

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARISA WOODHOUSE, on behalf of herself)	
and others similarly situated,)	
Plaintiffs,)	09 C 5593
)	
v.)	Judge Pallmeyer
)	
LINEBARGER GOGGAN)	
BLAIR & SAMPSON, LLP,)	
Defendant.)	

AMENDED COMPLAINT

CLASS ACTION

1. Plaintiff Marisa Woodhouse brings this action to secure redress for violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 ("TCPA").

JURISDICTION AND VENUE

2. This Court has original jurisdiction under 28 U.S.C. §§1331, 1332(d) and 1367. *Brill v. Countrywide Home Loans, Inc.*, 427 F.3d 446 (7th Cir. 2005).

3. On information and belief the amount in controversy, with respect to the class as a whole, exceeds \$5 million.

4. Venue is proper because a substantial part of the events or omissions giving rise to the claim occurred in this District.

PARTIES

5. Marisa Woodhouse is an individual who resides in Cook County.

6. Linebarger Groggan Blair & Sampson, LLP ("LGBS") is a limited liability partnership that specializes in collecting debts allegedly owed to municipalities. According to

its website, www.publicans.com, LGBS has an office at 233 S. Wacker Dr., Suite 4030, Chicago, IL 60606.

FACTS

7. LGBS called plaintiff numerous times on her cell phone using a predictive dialer.

8. The predictive dialer LGBS used was an "automatic telephone dialing system" as defined in 47 U.S.C. §227(b).

9. LGBS called plaintiff numerous times using a prerecorded and/or artificial voice message.

10. Some or all of the prerecorded voice messages left for plaintiff stated the following:

This is a very important message for Marisa Baldwin [sic]. Please contact the law firm of Linebarger Goggan Blair and Sampson toll-free at 866-391-3975.

11. The beginning of the message appears to have been prerecorded; the telephone number portion appears to be an automatic voice.

12. Upon information and belief, the calls were regarding an alleged City of Chicago parking ticket debt.

13. All of the calls complained of herein were made within four years of the filing of the complaint in the Circuit Court of Cook County on August 6, 2009, case no. 2009 CH 27429. The case has since been removed.

COUNT I - TCPA – Class Claim - Negligent Violations

14. Plaintiff incorporates all previous paragraphs.

15. The Telephone Consumer Protection Act, 47 U.S.C. 227 restricts the making of telephone calls to cellular phones for commercial purposes that are made using “any automatic telephone dialing system or an artificial or prerecorded voice.” TCPA, §227(b)(A)(iii).

16. Defendant made multiple telephone calls to plaintiff’s cell phone using an automatic telephone dialing service and/or an artificial or prerecorded voice, as proscribed by the TCPA.

17. The complained of conduct was negligent, widespread and systematic.

CLASS ALLEGATIONS

18. Plaintiff brings Counts I and II on behalf of a class. The class is defined as:

All persons wherever located (a) to whom LGBS; (b) made a call to the person’s cellular telephone; (c) through use of an automatic telephone dialing system, and\or using an artificial or pre-recorded voice; (d) concerning a City of Chicago parking ticket; and (e) the call was made at any time on or after August 6, 2005.

19. Upon information and belief, there are more than 50 members of the proposed class and subclasses; sufficient to make joinder impracticable and to satisfy the numerosity requirement.

20. Defendant treated each class member identically because it used the same messages and equipment with respect to all of them. Therefore common issues of fact and law predominate over any questions affecting only individual members.

21. Plaintiff has retained Burke Law Offices, LLC a Chicago law firms that has consumer class action litigation experience, as counsel. Ms. Woodson and Burke Law Offices, LLC will fairly and adequately protect the interests of the class.

22. In light of the numerosity of class members, the commonality of issues of law and fact among class members, and the representative nature of Plaintiff's claim, a class action is an appropriate method for the fair and efficient adjudication of the controversy.

WHEREFORE, plaintiff requests that this Court enter judgment in favor of plaintiff and the class and against defendant for:

- a. Statutory damages;
- b. Any other relief the court deems proper.

COUNT II – TCPA – Class Claim - Willful Violations

23. Plaintiff incorporates all previous paragraphs of this complaint.

24. As an alternative to the allegations in Count II, the violations of the Telephone Consumer Protection Act, 47 U.S.C. 227, identified above were willful.

25. The class is identical and overlapping with the negligent TCPA class. The class is defined in paragraph 18.

26. Plaintiff and the class are entitled to treble damages in the case that the violations are found to have been be willful.

WHEREFORE, plaintiff requests that this Court enter judgment for plaintiff and the class and against defendant for:

- a. Statutory damages;
- b. Any other relief the Court deems fit.

Respectfully submitted,

/s/Alexander H. Burke

Alexander H. Burke
BURKE LAW OFFICES, LLC

155 N. Michigan Ave., Suite 9020
Chicago, IL 60601
(312) 729-5288
(312) 729-5289 (fax)
ABurke@BurkeLawLLC.com

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MARISA WOODHOUSE, on behalf of herself)	
and others similarly situated,)	
Plaintiffs,)	09 C 5593
)	
v.)	Judge Pallmeyer
)	
LINEBARGER GOGGAN)	
BLAIR & SAMPSON, LLP,)	
Defendant.)	

JURY DEMAND

Plaintiff demands trial by jury.

/s/Alexander H. Burke

Alexander H. Burke
BURKE LAW OFFICES, LLC
155 N. Michigan Ave., Suite 9020
Chicago, IL 60601
(312) 729-5288
(312) 729-5289 (fax)
ABurke@BurkeLawLLC.com

CERTIFICATE OF SERVICE

Alexander H. Burke certifies that this document was served upon all parties of record through the ECF system for the Northern District of Illinois.

/s/Alexander H. Burke